

WILEY, REIN & FIELDING

1776 K STREET, N. W.
WASHINGTON, D. C. 20006
(202) 429-7000

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WRITER'S DIRECT DIAL NUMBER

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

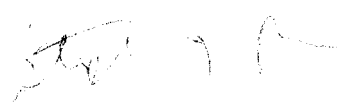
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Re: CC Docket No. 94-102. Comment On Petition For Rulemaking Filed By Ad Hoc Alliance For Public Access To 911 In Conjunction With Wireless Enhanced 911 Rulemaking Proceeding.

Dear Mr. Caton,

Transmitted herewith, on behalf of the Personal Communications Industry Association ("PCIA"), are an original and four copies of PCIA's comments in the above-referenced proceeding.

Respectfully submitted,


Stephen J. Rosen, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL

COMMUNICATIONS COMMISSION

In the Matter of

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Amendment of the Commission's
Rules To Enable A Cellular Telephone
User Effective and Reliable Access
To 911 Service

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CC Docket No. 94-102

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**COMMENTS OF
THE PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA")¹ by its attorneys,
respectfully submits its comments in response to the above-referenced Petition for Rule
Making filed by the Ad Hoc Alliance For Public Access To 911 ("Ad Hoc Alliance").²

¹ PCIA is the international trade association created to represent the interests of both the commercial and the private mobile radio service communications industries. PCIA's Federation of Councils includes: the Paging and Narrowband PCS Alliance, the Broadband PCS Alliance, the Specialized Mobile Radio Alliance, the Site Owners and Managers Association, the Association of Wireless System Integrators, the Association of Communications Technicians, and the Private System Users Alliance. In addition, as the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of licensees.

² *Amendment of Part 22 of the Commission's Rules To Enable A Cellular Telephone User Effective and Reliable Access To 911 Service*, Ad Hoc Alliance For Public Access To 911 Petition for Rule Making (filed Oct. 27, 1995) (hereinafter "*Petition*"). Comments on the *Petition* were solicited by FCC Public Notice in CC Docket 94-102 (Nov. 13, 1995).

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As discussed herein, PCIA does not believe the relief sought by the *Petition* would be in the public interest.

I. INTRODUCTION

The Ad Hoc Alliance requests that the Commission amend Part 22 of its rules in two ways. First, it asks that section 22.911(b) be revised to require cellular base stations to "render priority, unrestricted and unconditional access to 911 emergency services from all mobile stations without regard to subscription or non-subscription status."³ Second, it urges that section 22.933 be changed to require that, for cellular 911 calls "the mobile station must examine the signal strength of all of the control channels assigned to System A and System B and select the channel with the strongest signal."⁴

PCIA has been at the forefront of wireless industry efforts to promote public safety. Through programs such as LifePage and participation in ongoing joint industry/public safety proceedings to advance compatibility between E911 systems and wireless services, PCIA has consistently acted to enhance the safety and security of

³ *Petition* at 5.

⁴ *Id.* at 7.

users of mobile services.⁵ Against this background, PCIA is concerned that the Ad Hoc Alliance's proposals will impair rather than advance the cause of public safety.

II. UNREGISTERED CELLULAR CALLERS SHOULD NOT BE GRANTED MANDATORY ACCESS TO 911 SERVICES.

PCIA believes that service providers should be permitted voluntarily to determine whether to allow unrestricted access to 911 by unregistered callers.⁶ However, for the reasons discussed below, cellular carriers should not be required to provide 911 access to unregistered users. Accordingly, rather than adopting the Ad Hoc Alliance's mandatory unrestricted access proposal, the Commission should adhere to its original proposal that service providers be required to offer 911 access only to

⁵ On November 2, 1994, PCIA, the National Emergency Number Association ("NENA"), the Association of Public Safety Communications Officials ("APCO"), the National Association of State 911 Administrators ("NASNA"), Committee T1 Telecommunications, and the Telecommunications Industry Association ("TIA") released a report entitled "Wireless Support of 9-1-1 and Enhanced 9-1-1 Emergency Services" ("*JEM Report*"). This report, which was the product of months of negotiation between wireless carriers, emergency service providers, and equipment manufacturers: (1) prioritizes public safety answering point (PSAP) service requirements; (2) maps these features to four evolutionary paths; (3) explains the data interface necessary for the wireless systems and the emergency services system to support the PSAP service requirements; and (4) identifies radio location techniques that may eventually provide more accurate mobile station location information. Since the publication of the *JEM Report*, the wireless/E911 efforts have continued to progress well in that the standards committees will soon produce draft documents specifying wireless E911 standards and procedures for all industry segments.

⁶ Such a determination will need to be negotiated between the carrier and the local public safety community, in order to address any concerns by the PSAP operator over the potential for an increased number of prank calls.

service-initialized handsets in a home service area or a subscribed-to roamed service area.⁷

First, allowing 911 access by unregistered users may make it more difficult for emergency service providers to render timely assistance. In the *JEM Report*, public safety organizations explicitly requested that PSAPs be furnished with subscriber identity information (*e.g.*, mobile identification number, subscriber name, subscriber priority information) and call-related information (*e.g.*, serving wireless system ID, call-back number).⁸ The Commission is also aware of the importance of call-related information, as according to the *Notice*, one of the most important pieces of information to be provided to the PSAP is a call-back number, which is necessary should the caller be disconnected while summoning assistance.⁹ Because there can be neither subscriber information nor a call-back number for an unregistered caller, one of the major purposes of the E911 proceeding would be defeated by granting this portion of the *Petition*.

Second, allowing 911 access by unregistered users could increase fraudulent transactions and prank calls. Cellular fraud is one of the largest problems facing the

⁷ *Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, 9 FCC Rcd 6170, ¶ 41 (1994) ("*Notice*"). The Commission's proposal was supported by the vast majority of comments on the *Notice*, and the *Petition* presents no new evidence to suggest that the weight of the record should be disregarded.

⁸ *JEM Report* at 8.

⁹ *Notice*, ¶ 52.

wireless industry, and prank calls have historically been a problem for public safety agencies. Any anonymous or untraceable access to the cellular system will increase the risk of fraud. In the past, PSAPs have singled out specific individuals as recalcitrant prank callers, and even gone so far as to refuse to respond to their 911 calls. Allowing untraceable users to access the cellular system will prevent public safety agencies from making rational decisions as to the likelihood of a call being genuine, and allocating their resources accordingly. For these reasons, the Commission should not require cellular carriers to complete 911 calls from non-initialized handsets.

Finally, as the Alliance acknowledges, sixty-eight percent of cellular telephones are purchased for "safety and security reasons."¹⁰ If the rules were changed as requested by the Alliance, a significant portion of this population might choose to buy cellular phones solely for free, emergency usage, without ever subscribing to service. Such an outcome is problematic, because subscription fees help to support construction and maintenance of the radio facilities and other infrastructure used to handle 911 and other calls. Accordingly, allowing non-subscribers to access 911 creates a free rider problem and inequitably forces legitimate subscribers to subsidize the cost of providing access to non-subscribers.

¹⁰ *Petition* at 3.

III. CARRIERS SHOULD NOT BE OBLIGED TO SCAN ALL CONTROL CHANNELS.

The Alliance asks that cellular 911 calls be handled by whichever carrier has the strongest control channel signal when the call is made. Presumably, the Alliance believes this requirement will improve the quality of cellular 911 calls. In reality, however, an obligation to route 911 calls to the cellular carrier providing the strongest control channel signal is technically infeasible and will not guarantee improved access to 911.

Most importantly, the Ad Hoc Alliance's proposal is technically infeasible because cellular carriers do not necessarily employ common air interfaces. As the cellular industry moves to digital technology, one carrier in a market may choose to use TDMA equipment, and the other may use incompatible CDMA equipment. Accordingly, even if it were feasible to direct 911 calls to the carrier with the strongest control channel signal, which it is not, the Alliance's request is incompatible with the direction of digital mobile technology. For cellular alone, compliance with such a rule would require phones to be capable of handling at least three air interfaces. Such increased capabilities would exact a substantial penalty in cost and battery size. This problem would be even greater if the proposed rules were extended to PCS,¹¹ since PCS carriers may employ several incompatible air interfaces in a single market.

¹¹ See *Petition* at 2.

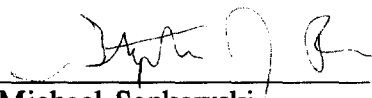
Further, the Alliance's proposal will not advance public safety because it does not guarantee access to the clearest voice channel for emergency communications. In a mobile calling environment, the strongest signal may well be transitory -- as the calling party turns the corner or moves down the block, the signal may weaken considerably. Moreover, just because the A-Block carrier, for example, may have the strongest control channel at a particular location does not guarantee that it also has the strongest voice channel signal.

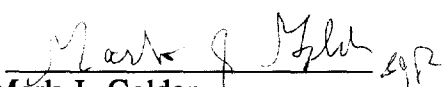
IV. CONCLUSION.

PCIA does not support initiation of the rulemaking proceeding requested by the Ad Hoc Alliance.

Respectfully submitted,

**PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION**

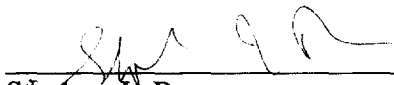
By: 
R. Michael Senkowski
Jeffrey S. Linder
Stephen J. Rosen
WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 429-7000

By: 
Mark J. Golden
Vice President of Industry Affairs
PERSONAL COMMUNICATIONS
INDUSTRY ASSOCIATION
1019 19th Street, N.W.
Suite 1100
Washington, D.C. 20036
(202) 467-4770

December 15, 1995

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments Of The Personal Communications Industry Association" were served this 15th day of December, 1995 by first class mail, postage prepaid, on the parties on the attached list.



Stephen J. Rosen

James S. Blaszak
Ellen G. Block
Levine, Balszak, Block & Boothby
1300 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20036

Jim Conran
Ad Hoc Alliance for Public
Access to 911
P.O. Box 2346
Orinda, CA 94563

Glenn S. Rabin
ALLTEL Mobile Communciations
655 15th Street, N.W.
Suite 220
Washington, D.C. 20005

Elizabeth R. Sachs
Lukas, McGowan, Nace & Gutierrez
1111 19th Street, N.W.
Suite 1200
Washington, D.C. 20036

Frank Michael Panek
Ameritech
Room 4H84
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196-1025

Lon C. Levin
AMSC Subsidiary Corp.
10802 Park Ridge Boulevard
Reston, VA 222091

Bruce D. Jacobs
Glenn S. Richards
Fisher Wayland Cooper
Leader & Zaragoza
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

William F. Adler
Steven N. Teplitz
Fleischman & Walsh
1400 Sixteenth Stret, N.W.
Washington, D.C. 20036

Robert M. Gurss
Wilkes, Artis, Hedrick & Lane
1666 K Street, N.W.
Suite 1100
Washington, D.C. 20006

James R. Hobson
Donelan, Cleary, Wood & Maser
1100 New York Avenue, N.W.
Suite 750
Washington, D.C. 20005

William B. Barfield
Jim O. Llewellyn
BellSouth Corporation
1155 Peachtree Street, N.E.
Atlanta, GA 30309-3610

Charles P. Featherstun
David G. Richards
BellSouth Corporation
1133 21st Street, N.W.
Suite 900
Washington, D.C. 20036

Gary O'Malley
Cable Plus
11400 SE 6th Street, Suite 120
Bellevue, WA 98004

Peter Arth, Jr.
Edward W. O'Neill
Ellen S. Levine
People of the State of
California and the Public
Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Michael F. Altschul
CTIA
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Adam A. Andersen
CMT Partners
651 Gateway Boulevard
15th Floor
South San Francisco, CA 94080

Thomas Gutierrez
Lukas, McGowan, Nace & Gutierrez
Suite 1200
1111 Nineteenth Street, N.W.
Washington, D.C. 20036

J.D. Hersey, Jr.
Chief, Maritime Radio and
Spectrum Management
United States Coast Guard
2100 Second Street, S.W.
Washington, D.C. 20593-0001

Alicia A. McGlinchey
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, MD 20871

Robert A. Mazer
Rosenman & Colin
Suite 200
1300 19th Street, N.W.
Washington, D.C. 20036

Paul R. Schwedler
Carl W. Smith
Regulatory Counsel
Telecommunications, DoD
Defense Information Sys Agency
Code D01
701 S. Courthouse Road
Arlington, VA 22204

David C. Jatlow
Young & Jatlow
Suite 600
2300 N Street, N.W.
Washington, D.C. 20037

Danny E. Adams
Ann M. Plaza
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Susan H.R. Jones
Gardner, Carton & Douglas
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005

Andre J. Lachance
David J. Gudino
GTE Service Corporation
1850 M Street, N.W.
Suite 1200
Washington, D.C. 20036

B.J. Smith
911 Emergency Telephone
Operations
Hillsborough County, Office
of the County Administrator
P.O. Box 1110
Tampa, FL 33601

Robert S. Koppel
Richard S. Whitt
IDB Mobile Communications, Inc.
15245 Shady Grove Road
Suite 460
Rockville, MD 20850

Brian R. Moir
Moir & Hardman
2000 L Street, N.W.
Suite 512
Washington, D.C. 20036-4907

S.A. Penington
Chairman, Interagency Committee
on Search & Rescue
United States Coast Guard
2100 Second Street, N.W.
Washington, D.C. 20593-0001

Charles J. Hinkle, Jr.
KSI Inc.
7630 Little Rive Turnpike
Suite 212
Annandale, VA 22003

Paul C. Besozzi
D. Cary Mitchell
Besozzi, Gavin & Craven
1901 L Street, N.W.
Suite 200
Washington, D.C. 20036

Thomas H. Bugbee
Bruce Malt
Regulatory Affairs
Telecommunications Branch
Information Technology Services
P.O. Box 2231
Downey, CA 90242

Larry A. Blosser
Donald J. Elardo
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, N.W.
Washington, D.C. 20006

Michael D. Kennedy
Michael A. Menius
Motorola, Inc.
1350 I Street, N.W.
Suite 400
Washington, D.C. 20005

Paul Rodgers
Charles D. Gray
James Bradford Ramsay
NARUC
1102 ICC Building
P.O. Box 684
Washington, D.C. 20044

George N. Rover
Deputy Attorney General
AOG/Legal Affairs
State of New Jersey
Hughes Justice Complex
CN 080
Trenton, N.J. 08625-0080

Robert S. Foosaner
Lawrence R. Krevor
Laura L. Holloway
Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
1201 New York Avenue, N.W.
Penthouse Suite
Washington, D.C. 20005-3919

Lyle V. Gallagher
State 911 Coordinator
Emergency Services Communication
System Advisory Committee
P.O. Box 5511
Bismarck, N.D. 58502-5511

Stephen L. Goodman
Halprin, Temple & Goodman
1100 New York Avenue, N.W.
Suite 650 East
Washington, D.C. 20005

John G. Lamb
Northern Telecom Inc.
2100 Lakeside Boulevard
Richardson, TX 75081-1599

Edward R. Wholl
Jacqueline E. Holmes Nethersole
NYNEX Companies
120 Bloomingdale Road
White Plains, N.Y. 10605

Lisa M. Zaina
OPASTCO
21 Dupont Circle, N.W.
Suite 700
Washington, D.C. 20036

David C. Vandell
Technology and Operations
Section, Emergency Management
Division, Oregon State Police
595 Cottage Street, NE
Salem, OR 97310

James P. Tuthill
Betsy Stover Granger
Pacific Bell
140 New Montgomery Street
Room 1525
San Francisco, CA 94105

James L. Wurtz
Pacific Bell
1275 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Naomi L. Wu
Communications Manager
Port Angeles Police Dep't
321 East 5th Street
Port Angeles, WA 98362

Mark J. Golden
Personal Communications Industry
Association
1019 - 19th Street, N.W.
Suite 1100
Washington, D.C. 20036

Michael J. Celeski
Pertech America, Inc.
One Illinois Center
111 East Wacker Drive
Suite 500
Chicago, IL 60601

Mary A. Boyd
JEM Co-Chair
Texas Emergency Communications
Commission
1101 Capital of TX Hwy, South
Austin, TX 78749

Gary Jones
JEM Co-Chair
Omnipoint Corporation
1365 Garden of the Gods Rd
Colorado Springs, CO 80907

O.C. Lee
Proctor & Associates
15050 Northeast 36th
Redmond, WA 98052-5317

Jerome S. Caplan
Redcom Laboratories, Inc.
One Redcom Center
Victor, N.Y. 14564-0995

David L. Jones
Rural Cellular Association
2120 L Street, N.W.
Suite 520
Washington, D.C. 20037

James D. Ellis
Mary Marks
SBC Communications, Inc.
175 E. Houston, Suite 1306
San Antonio, TX 78205

Wayne Watts
Bruce E. Beard
Southwestern Bell Mobile Systems
17330 Preston Road
Suite 100A
Dallas, TX 75252

Jean L. Kiddoo
Shelley L. Spencer
Swidler & Berlin
3000 K Street, N.W.
Suite 300
Washington, D.C. 20007

Peter J. Tyrrell
Springwich Cellular L.P.
227 Church Street
Room 1021
New Haven, CT 06510

Leonard Schuchman
Systems Integration Group
Stanford Telecom
1761 Business Center Drive
Reston, VA 22090

Raul R. Rodriguez
Stephen D. Baruch
Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006

Alfred Sonnenstrahl
Telecommunications for the Deaf
8719 Colesville Road
Suite 300
Silver Spring, MD 20910

R. Michael Senkowski
Jeffrey S. Linder
Ilene T. Weinreich
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

Dan Bart
Eric Schimmel
Ron Angner
Jese Russell
TIA
2500 Wilson Boulevard, Suite 300
Arlington, VA 22201

Michael J. Miller
Telident, Inc.
4510 West 77th Street
Suite 101
Minneapolis, MN 55435

David Kelley
Terrapin Corp.
11958 Monarch Street
Garden Grove, CA 92641

Scott A. Sawyer
Assistant Attorney General
Consumer Protection Division
Public Agency Representation
P.O. Box 12548
Capitol Station
Austin, TX 78711-2548

Norman P. Leventhal
Stephen D. Baruch
David S. Keir
J. Breck Blalock
Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006

Jeffrey S. Bork
U S West
1020 - 19th Street, N.W.
Suite 700
Washington, D.C. 20036

Jeffrey L. Sheldon
Thomas E. Goode
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

Arthur A. Butler
Sara Siegler-Miller
Ater Wynne Hewitt Dodson
& Skerritt
601 Union Street
Suite 5450
Seattle, WA 98101-2327

Robert G. Oenning
State of Washington
Statewide E911 Program
1417 - 6th Avenue S.E.
P.O. Box 48346
Olympia, WA 98504-8346

Martin W. Bercovici
Keller & Heckman
1001 G Street, N.W.
Suite 500W
Washington, D.C. 20001-4545

James Carlsen
Westinghouse Electri Corp.
Electronic Systems Group
P.O. Box 746 - MS A475
Baltimore, MD 21203

ITS, Inc. *
1919 M Street, N.W.
Room 246
Washington, D.C. 20554

* BY HAND

William T. Bradfield
Tendler Cellular
65 Atlantic Avenue
Boston, MA 02110

Lorri Ann Ericson
Puyallup City Communications
1531 39th Avenue S.E.
Puyallup, WA 98374

Michael L. King
Anacortes Communications Center
Anacortes Police Department
1011 - 12th Street
Anacortes, WA 98221

Betsy L. Anderson
1320 N. Court House Road
Eighth Floor
Arlington, VA 22201